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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND COMPLIANCE COMMITTEE

Joe Serna Jr., CalEPA Building
1001 I Street
2nd Floor
Coastal Hearing Room
Sacramento, California

Monday, June 8, 2009
1:36 p.m.

HE SUK JONG
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12918

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A P P E A R A N C E S

BOARD MEMBERS

Ms. Rosalie Mulé, Chair

Ms. Margo Reid Brown

Ms. Sheila Kuehl

Mr. John Laird

STAFF

Mr. Scott Beckner

Mr. Michael Bledsoe

Mr. Elliot Block

Ms. Tracey Cottingim

Mr. Mark de Bie

Ms. Donnell Duclo

Ms. Dianne Ohiosumua

Ms. Rubia Packard

Mr. Ted Rauh

Ms. Carla Repucci

Ms. Virginia Rosales

Mr. Patrick Snider

ALSO PRESENT

Mr. John Anderson, Sonoma County LEA

/////

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1 Mr. Ryan Bonea, Sutter County Resource Conservation
District

2 Mr. Jeff Danzinger, Advisor to Ms. Brown

3 Ms. Jennifer Richard, Advisor to Ms. Kuehl

4 Mr. Pat Schaivo, CR&R

5 Mr. Lars Seifert, Imperial County LEA

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1 CHAIRPERSON MULÉ: Good afternoon, everyone.
2 Welcome to the June 8th meeting of the Permitting and
3 Compliance Committee. First and foremost, I would
4 like to ask everybody to please either turn off or put
5 in silent mode your cell phones and pagers. And we
6 have agendas and speaker slips on the back of the
7 table in the back of the room. And if anyone would
8 like to speak to the committee, please fill out a form
9 and bring it up to Donnell Duclo.

10 And with that, Donnell, would you please
11 call the roll.

12 EXECUTIVE ASSISTANT DUCLO: Brown?

13 BOARD MEMBER BROWN: Here.

14 EXECUTIVE ASSISTANT DUCLO: Kuehl?

15 BOARD MEMBER KUEHL: Here.

16 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

17 CHAIRPERSON MULÉ: Here.

18 Any ex partes?

19 (No audible response.)

20 CHAIRPERSON MULÉ: We're up-to-date?

21 Everybody's up-to-date.

22 And, also, I would like to thank Board
23 Member John Laird for being here with us today.

24 Thanks, John.

25 Okay. Let's just move into the program

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1 directors' report.

2 Ted?

3 MR. RAUH: Yes, thank you, Chair Mulé. I
4 have several items I would like to brief you on
5 quickly today.

6 First is a working conference that Board
7 staff attended last week. Basically, it's a group
8 that we were invited to participate with. It's
9 looking at a dense population of auto dismantlers in
10 the Pacoima and Sun Valley area in Los Angeles, and a
11 working group has been established to look at a number
12 of compliance issues associated with a multitude of
13 agencies that are involved in overseeing activities
14 and also to try to help the local citizens understand
15 the compliances issues that are associated with these
16 kinds of operations.

17 So we participated in a group with the
18 Pacoima Beautiful Nonprofit Organization, also the
19 California Environmental Rights Alliance, and the
20 State of California Auto Dismantlers Association,
21 along with a number of other state agencies. And a
22 group is continuing to be formed to help the auto
23 dismantlers themselves be as compliant as they can and
24 reduce some of the externalities of their operations.

25 Our principal involvement is with the

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1 appropriate management of waste tires at these
2 facilities, as each one has an ability to have as many
3 as 1,500 waste tires on-site, and we hope to learn
4 from this activity, obviously. And whether there's
5 information that should be disseminated to others
6 carrying out this activity, we'll learn as a result of
7 working with this work group. That's kind of a new
8 venture for us but an exciting one. We're very
9 pleased to be part of it.

10 Also, I'd like to talk quickly about farm
11 and ranch which is an item that you do have today
12 before you, Item G. And as you know, the Board
13 allocates about a million dollars a year for this
14 activity. And over the past 11 years, more than
15 \$5.6 million in grants have been provided by the Board
16 over a span of 120 grants affecting over 300 site
17 cleanups.

18 And what we've discovered or noticed in the
19 last few years is that we have not been able to
20 receive appropriate and complete grants to fully
21 utilize all of the funding that's available. And as
22 you know, this last year the staff proposed and the
23 Board approved a collaborative with Imperial County in
24 which we approach the grant and the authorization of
25 the grants for those activities in a different fashion

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1 as a pilot, and that has been very successful. We
2 have nine sites of the fifteen that were part of that
3 grant already cleaned, two more that are nearly
4 complete, and the remainder of it going into a
5 compliance mode.

6 But given the fact that this year, as you
7 will see or have seen in reviewing Item G, we're not
8 going to approach the full allocation again. The
9 staff is prepared if you're interested in receiving an
10 item in July or August that would come back with
11 perhaps a modification to the scoring criteria and
12 evaluation criteria to enhance our possibility of
13 making more of these kinds of grants as we did this
14 last year, and our hope is we can have that for you.
15 We'd be able to receive your direction, and then for
16 the third cycle next year, we'd be able to try this
17 expanded grant process and hopefully be able to bring
18 more cleanup projects before you for a review.

19 CHAIRPERSON MULÉ: Well, I think it's a good
20 idea, and I think we have concurrence from the
21 committee to move forward on that.

22 Yeah, we do have the funds, and we do want
23 to get these sites cleaned up. So if we could figure
24 out how to do it in a more efficient and better and
25 more holistic manner, then let's look at that.

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1 MR. RAUH: Right. Well, we'll have an item,
2 then, before the committee in two months.

3 CHAIRPERSON MULÉ: In August?

4 MR. RAUH: In August.

5 CHAIRPERSON MULÉ: Okay. Very good. Thank
6 you.

7 MR. RAUH: The third area I would like to
8 talk about is our progress in increasing recycling and
9 organic process permitted capacity in this state. And
10 we have, again, permits that you will be weighing in
11 on here shortly, but I thought I would just provide
12 some statistics in terms of how many permits the Board
13 has reviewed and concurred on since January of 2008.
14 That's 33 full permits in the last 18 months that all
15 have had either an increase in capacity or are new
16 facilities and are contributing to diversion goals.

17 Let me just run down quickly the numbers on
18 those: There are nine landfills, nine treatment and
19 storage facilities which have diversion expansion,
20 three new treatment storage facilities, and twelve
21 compostible material handling facilities.

22 And when one looks at the maximum daily
23 permitted capacity for the storage facilities and
24 landfills, that capacity is increased by 46,100 tons
25 per day. And when you add to that the 12 additional

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1 compost facilities, that's another 40,000 tons of
2 compostible capacity per day, so there's a total
3 of more than 86,000 tons of diversion capacity. And,
4 of course, this is the maximum capacity. But it is
5 there now on the books, which is a sizeable increase,
6 when you look at it, and multiply it times the number
7 of days of operation in a year.

8 And then, finally, on our landfill gas
9 program plan review, we keep you abreast of the
10 statistics, but I wanted to indicate that Mark Leary
11 and I met with representatives from a number of the
12 landfill operators in the state both public and
13 private basically to talk about the process that might
14 be put in place when the staff reaches a point where
15 there's a dispute resolution between what the plan
16 proposal or a component of a plan proposal is being
17 offered and staff is not believing that it's
18 consistent with the regulations. So we discussed that
19 with industry. We'll be releasing in very short order
20 the procedure that staff will be following to carry
21 out this dispute resolution process. We will also be
22 providing them with a bit more information on how the
23 regulations and the review times that are included
24 within those regulations play out between the LEA's
25 review and the Board's review.

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1 We're also going to be posting all the
2 approvals so that as we approve either a straight
3 prescriptive standard or if we approve plans that have
4 alternatives, that those will be available on the
5 Board's Web site; everybody will be able to see what
6 is going on with respect to the approval process.

7 And we think it was a very constructive
8 meeting. We'll be providing this continued dialogue
9 with that group and, of course, sharing that
10 information out to everyone concerned by means of the
11 Web site and mass mailings and mass e-mails.

12 And that concludes my report for today.

13 CHAIRPERSON MULÉ: Great. Thank you, Ted.
14 A lot of good information.

15 Any questions for Ted on that?

16 (No audible response.)

17 CHAIRPERSON MULÉ: I'm very pleased to know
18 that we've increased our compostible materials
19 handling capacity by 40-plus-thousand tons per day.

20 Per day?

21 MR. RAUH: That's per day, actually. And
22 when you combine all of it together, it's 80,000.

23 CHAIRPERSON MULÉ: Right. That is
24 significant. Good work. Thank you.

25 All right. Let's move on to our items. Our

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1 first item is Board Agenda Item 1.

2 MR. RAUH: Yes, Madam Chair and Members.

3 This item requests the Board's consideration and
4 concurrence on a revised Solid Waste Facility Permit
5 for the Global Materials Recovery Systems Facility in
6 Sonoma County.

7 Staff has found the facility and permit
8 meets the required findings and recommends the Board
9 concur with the issuance of the proposed permit as
10 submitted by the LEA.

11 Here to represent the item is Scott Beckner.
12 And this is Scott's very first presentation before the
13 Board.

14 CHAIRPERSON MULÉ: Good afternoon, Scott.
15 Thank you for being here.

16 MR. BECKNER: Thank you. Good afternoon,
17 Madam Chair and Committee and Board Members.

18 Global Materials Recovery Systems is a large
19 volume transfer processing facility in Sonoma County
20 within the city of Santa Rosa. This is a private
21 facility that is owned and operated by a Mr. Curtis
22 Michelini.

23 The proposed revision to the Solid Waste
24 Facilities Permit would allow for the following
25 changes: The addition of 19 tons per day for green

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1 waste and an additional 40.5 tons per day for
2 recyclables, an increase in the total maximum
3 permitted tonnage of the site from 484 tons per day to
4 543.5 tons per day and allows for the use of a
5 mechanized sorting line installed in the construction
6 and demolition building on-site.

7 Included in this permit revision are further
8 measures to mitigate possible environmental impacts
9 such as locating the mechanized sorting line inside
10 the construction and demolition building adjacent to a
11 sound wall, handling green waste exclusively inside
12 during the wet season and enhance restrictions
13 regarding the handling and storage of household
14 hazardous waste and E-waste.

15 New information has been brought to the
16 attention of Board staff subsequent to the submittal
17 of this agenda item, which I will cover for you. In
18 addition, staff will update the item to include this
19 information.

20 Board staff note that the LEA indicated a
21 violation on March 30th, 2009, of Public Resources
22 Code 440149(b) for the facility exceeding the maximum
23 tonnage of recyclables allowed in the current permit.

24 The operator has not exceeded their
25 permitted maximum tonnage since that time. Issuance

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1 of this revised Solid Waste Facilities Permit would
2 mitigate this issue, as it would allow for additional
3 recyclables.

4 Additionally, when the item was written,
5 Staff had not completed an inspection of the facility.
6 Staff conducted an inspection on May 19th of 2009 and
7 noted no violations. However, there was one area of
8 concern regarding Title 14 of the California Code of
9 Regulations Section 17407.5 for improper storage of
10 acids and bases in a single chemical locker. The
11 operator has addressed this concern by purchasing a
12 second chemical storage locker which is in place and
13 in use right now.

14 The LEA has certified that the application
15 package is complete and correct and that the report of
16 facility information meets the requirements of the
17 California Code of Regulations. The LEA has also
18 determined that the permit is consistent with and is
19 supported by existing California Environmental Quality
20 Act analysis.

21 Board staff have reviewed the proposed
22 permit and supporting documentation and found the item
23 to be acceptable. In conclusion, Board staff
24 recommends Option 1, that the Board adopt Resolution
25 2009-73 for Solid Waste Facilities Permit

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1 No. 49-AA-0390.

2 This concludes Board staff's presentation.

3 In addition, the business manager for Global
4 Materials Recovery Systems, Ms. Lisa Hardin, is here,
5 as well as the Sonoma County LEA's Mr. John Anderson
6 and Mr. Walter Cruz if you have any questions.

7 CHAIRPERSON MULÉ: Thank you very much. And
8 so the conformance with consistency with the state
9 minimum standards finding is adequate?

10 MR. De BIE: Yes. Mark de Bie with the
11 Permits group. Just to verify that and pin it down as
12 yes.

13 The inspection report record from the LEA,
14 there was a slight lag, so we had a permit issue. But
15 that will be resolved with this issuance of the
16 permit, and they've been in compliance since that was
17 noted.

18 And then as Scott indicated, the only issue
19 that staff identified was an area of concern which has
20 been immediately addressed, and so we are able to
21 conclude that it's compliant with state minimum
22 standards at this time.

23 BOARD MEMBER BROWN: I have a quick question
24 for either Scott or Mark. There were two violations
25 in 2006 for storage of liquid and hazardous special

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1 waste. Were those the same issues that were
2 discovered by staff in May or were those different,
3 and can you describe what those violations were?

4 MR. De BIE: It's my understanding that it
5 was a very similar situation and that the LEA had been
6 working with the operator in a progressive way to
7 address that. And I think when our inspector went
8 out, we saw sort of the end of that process. So the
9 LEA noted some issues. It became an area of concern
10 because the operator was working towards taking steps
11 to address that. But perhaps the LEA could give you
12 sort of the history of how it's evolved since '06.

13 CHAIRPERSON MULÉ: Do you want to come up
14 and further explain this for us?

15 MR. ANDERSON: Hi, I'm John Anderson. And
16 like Scott, this is my first time before the Board.

17 CHAIRPERSON MULÉ: That's okay. We're nice;
18 we don't bite.

19 MR. ANDERSON: I'm sorry, what was that?

20 CHAIRPERSON MULÉ: I said we don't bite.

21 BOARD MEMBER LAIRD: Just speaking for
22 herself.

23 MR. ANDERSON: Since 2004 they became
24 permitted for the first permit, and we have been
25 working with them on their hazmat issues.

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1 They have a locker -- during the last
2 inspection we were there, and -- but it just wasn't
3 quite adequate enough. It didn't really provide a
4 separation between compatible or non-compatible type
5 materials. We asked them to contact the emergency
6 services department who does their business plan to
7 assist them in recognizing the different type of
8 chemicals.

9 Most of the chemicals they receive would be
10 through their C & D by just people inadvertently
11 putting some of the wrong material in their bins, and
12 so they do not really receive really bad type
13 chemicals, more or less just in the construction,
14 filled a lot of paints, maybe some muriatic acid or
15 maybe some type of cleaners that they have there.

16 And so when we went there and did the
17 inspection, we did speak with Lisa and Curtis about
18 this issue. They did immediately get and -- purchase
19 a new container that does have a separation for
20 incompatible materials.

21 BOARD MEMBER BROWN: I'm more curious about
22 violations in 2006 and how it was resolved then and
23 why it was an issue again, just out of curiosity.

24 MR. ANDERSON: I'm not the main one that
25 does the inspections there; we have another staff

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1 member that's not here. I'm not sure of all the
2 reasons for what was happening, but I know that we
3 have talked about this in the past, and I think most
4 of it was just dealing with the paint issues, with the
5 cans of paints they have.

6 They've also changed their process with the
7 paint containers that they receive. They are now
8 putting them -- bulking it in 55-gallon drums now
9 rather than having a bunch of different cans. If
10 memory serves me, too, that some of these violations
11 were the paints were maybe placed off to the side and
12 not really placed in a locker at the time of the
13 inspection. And I know that they have been improving
14 a lot on that. In fact, they do have proper
15 containment for their paints now.

16 BOARD MEMBER BROWN: Thank you.

17 CHAIRPERSON MULÉ: Thank you.

18 Sheila?

19 BOARD MEMBER KUEHL: I wanted to return to
20 the note that the staff -- about state minimum
21 standards. I didn't quite understand. I think in
22 your answer there was something about an inspection
23 report from the LEA, but the agenda item indicated
24 that staff had not yet conducted a pre-permit
25 inspection of the facility.

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1 So could you tell me what the concern was
2 about which of the state minimum standards and how
3 that was resolved?

4 MR. De BIE: Yes. And it's this issue that
5 we're just talking with the household hazardous waste
6 type issue and the containment.

7 When our staff went out and did the
8 inspection to determine whether this site was in
9 compliance with all of the state minimum standards,
10 they noted this issue of the incompatible material.

11 BOARD MEMBER KUEHL: So this is all the same
12 issue, really.

13 MR. De BIE: It's all the same issue.

14 BOARD MEMBER KUEHL: That was the issue that
15 caused a failure to meet -- or the question about
16 whether state minimum standards were met.

17 MR. De BIE: It was the only issue that
18 staff identified, and it was not really a violation,
19 just an area of concern.

20 BOARD MEMBER KUEHL: Okay. Thank you very
21 much.

22 CHAIRPERSON MULÉ: Do we have a motion?

23 BOARD MEMBER BROWN: I move Resolution
24 2009-73.

25 BOARD MEMBER KUEHL: Second.

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1 CHAIRPERSON MULÉ: It's moved by Member
2 Brown, seconded by Member Kuehl.

3 Donnell, please call the roll.

4 EXECUTIVE ASSISTANT DUCLO: Brown?

5 BOARD MEMBER BROWN: Aye.

6 EXECUTIVE ASSISTANT DUCLO: Kuehl?

7 BOARD MEMBER KUEHL: Aye.

8 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

9 CHAIRPERSON MULÉ: Aye.

10 We'll put that on consent agenda for the
11 full Board. Thank you.

12 Thank you. Good job.

13 Next item, 2. Ted.

14 MR. RAUH: Yes, thank you. Item 2 is
15 consideration of a new full Solid Waste Facility
16 Permit for transfer and processing activities for the
17 Prima Deshecha Materials Recovery Facility in Orange
18 County.

19 Staff has found the permit and proposed
20 facility consistent with the required findings and
21 recommends the Board concur with the issuance of the
22 proposed permit as submitted by the Local Enforcement
23 Agency.

24 Here to present the item is Patrick Snider,
25 and this is also Patrick's first time.

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1 MR. SNIDER: Good afternoon, Madam Chair and
2 Committee and Board Members.

3 Prima Deshecha Materials Recovery Facility
4 is located within the borders of Prima Deshecha
5 landfill. CR&R, Incorporated, is the operator. The
6 land is owned by Orange County Waste and Recycling.

7 The proposed Solid Waste Facilities Permit
8 will allow for the following: Operation of a
9 separately permitted materials recovery facility
10 within the landfill boundaries, increased diversion of
11 materials from a landfill that will assist in achieve
12 state mandated waste diversion goals while preserving
13 landfill capacity. The permit will not increase the
14 amount of waste received by the current landfill
15 operations or increase the traffic.

16 The Local Enforcement Agency has certified
17 the application package is complete and correct, that
18 it meets the transfer -- that the transfer and
19 processing report meets the requirements of the
20 California Code of Regulations. The Local Enforcement
21 Agency has also determined that the permit is
22 consistent with and supported by the existing
23 California Environmental Quality Act analysis.

24 Board staff have reviewed the proposed
25 permit and supporting documentation and found them to

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1 be acceptable. In conclusion, Board staff recommends
2 Option 1, that the Board adopt Resolution 2009-74 for
3 the Solid Waste Facilities Permit No. 30-AB-0445.

4 Katherine Cross of the Local Enforcement
5 Agency and myself are available to answer any
6 questions you may have.

7 CHAIRPERSON MULÉ: Thank you, Patrick.

8 Do we have any questions?

9 BOARD MEMBER BROWN: No, I just -- is the
10 operator here? There you are. Just interesting to
11 note that the jurisdiction was the one who noted the
12 enormous opportunity for increasing recoverables from
13 the self-haul, which was great.

14 And then the other thing that was of
15 interest is that we're locating this on a landfill,
16 which means we're utilizing our existing facilities in
17 an increasingly productive way, so thank you.

18 CHAIRPERSON MULÉ: My sentiments exactly.
19 Thank you.

20 Yes, Sheila?

21 BOARD MEMBER KUEHL: So is it the case,
22 then, that the processing facility will be primarily
23 utilized in terms of separating the self-haul or is it
24 really everything -- or other kinds of waste that's
25 mixed and needs the processing facility?

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1 BOARD MEMBER BROWN: Yeah, primarily the
2 self-haul.

3 CHAIRPERSON MULÉ: Self-haul has been a
4 major issue in Orange County for a number of years.

5 BOARD MEMBER KUEHL: So is it a big part of
6 what comes to the landfill? Sorry to make you jump up
7 and down. Why don't you -- I always like to see the
8 operator.

9 MR. SCHAIVO: Pat Schaivo of CR&R, Inc.

10 Historically, the self-haul at the Prima
11 landfill has been a pretty large amount, mostly of
12 construction demolition materials as well as
13 self-haulers bringing in landscape materials and so
14 forth. And it was in the mid 2000's they decided it
15 was such a problem they wanted to have a study to
16 identify what the materials were. They performed the
17 study, found out it was comprised of instant
18 materials, went out for bid, and then formed a
19 partnership with CR&R.

20 BOARD MEMBER KUEHL: Great. Thank you very
21 much.

22 CHAIRPERSON MULÉ: Thank you. Do I have a
23 motion?

24 BOARD MEMBER BROWN: I move Resolution
25 2009-74.

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1 BOARD MEMBER KUEHL: Second.

2 CHAIRPERSON MULÉ: It's moved by Member
3 Brown, seconded by Member Kuehl. And we can
4 substitute the previous roll, and we will put this
5 item on consent for the full Board next week.

6 Thank you all for being here.

7 Item 3. Ted.

8 MR. RAUH: Committee Item D is consideration
9 of a new full Solid Waste Facility Permit for transfer
10 and processing operations for the Harris Road
11 Materials Recovery Facility and Transfer Station in
12 Imperial County.

13 Staff has reviewed the permit and has made
14 the necessary findings and recommends that the Board
15 adopt the California Environmental Quality Act
16 findings and statement of overriding considerations
17 adopted by the lead agency and concur on the issuance
18 of the proposed permit as submitted by the Local
19 Enforcement Agency.

20 Here to present the item from Southern
21 California is Dianne Ohiosumua.

22 Dianne.

23 MS. OHIOSUMUA: Good afternoon, Madam Chair
24 and Committee Members and Board Members. The Harris
25 Road, LLC, Material Recovery Facility and Transfer

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1 Station is located in Imperial County, and it will be
2 operated by the Palos Verdes Disposal Service, and the
3 road is owned by Harris Road, LLC.

4 This facility is designed for an ultimate PU
5 of 1,500 tons per day; however, the facility will be
6 developed and constructed in phases.

7 Phase I and II are based on tonnage received
8 plus an optional Phase III which includes the
9 construction of an office, a maintenance shop, and
10 possible truck operations. Each phase is described in
11 the report of facility information.

12 The proposed Solid Waste Facility Permit
13 will allow for the following: It will allow the
14 facility to open up to 24 hour a day, seven days a
15 week, with an LEA condition. It will also allow the
16 facility to receive a maximum of 1,500 tons per day
17 with an LEA condition. It would allow a maximum
18 traffic volume of 500 vehicles per day with an LEA
19 condition. It would also allow the design capacity of
20 the facility to be 1,500 tons per day.

21 I have an update to the agenda item. We
22 received one letter of support on May the 19th from
23 Imperial Valley Resource Management Agency. We also
24 received another letter of support on June 5 from the
25 Los Angeles Sanitation District.

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1 The Local Enforcement Agency has certified
2 that the application package is complete and correct
3 and that the report of facility information meets the
4 requirement of the California Code of Regulations.
5 The Local Enforcement Agency has also determined that
6 the permit is consistent with and is supported by the
7 existing California Environmental Quality Act
8 analysis. Board staff has reviewed the proposed
9 permit and the supporting documentation and found them
10 to be acceptable.

11 In conclusion, Board staff recommends
12 Option 1, that the Board adopt the California
13 Environmental Quality Act findings and statement of
14 overriding consideration adopted by the lead agency
15 and concur in the issuance of the proposed permit as
16 submitted by the Local Enforcement Agency and that the
17 Board adopt Resolution 2009-75 for Solid Waste
18 Facility Permit No. 13-AA-011.

19 The Local Enforcement Agency representative
20 and the operator are also here today to answer any
21 questions that you may have.

22 This concludes staff's presentation.

23 CHAIRPERSON MULÉ: Thank you, Dianne.

24 MS. OHIOSUMUA: Thank you.

25 CHAIRPERSON MULÉ: Do we have any questions

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1 for staff on this item?

2 (No audible response.)

3 CHAIRPERSON MULÉ: I just want to make a
4 comment here since I am somewhat pretty familiar with
5 Imperial County and your infrastructure, and I think
6 this transfer station will really help that entire
7 county meet your solid waste and recycling needs. And
8 so I personally support this project and think that it
9 will go a long way in bringing the county into the
10 21st Century with your solid waste management and
11 recycling infrastructure.

12 So with that, do I have a motion?

13 BOARD MEMBER KUEHL: Wait, I do have a
14 question.

15 CHAIRPERSON MULÉ: Sheila has a question.

16 BOARD MEMBER KUEHL: Where is the origin of
17 the materials that have come to be transferred? Is it
18 within Imperial County?

19 MS. OHIOSUMUA: As far as I know, yes, it
20 will service the Imperial County local surrounding
21 communities within the Imperial County -- the facility
22 will.

23 BOARD MEMBER KUEHL: Okay. If you have a
24 copy of the LA letter of support, I would love to see
25 it. It doesn't have to be this minute.

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1 MS. OHIOSUMUA: Well, I do have them.

2 BOARD MEMBER KUEHL: I'm sure the Chair will
3 allow you to approach the bench.

4 CHAIRPERSON MULÉ: We have a letter dated
5 May 11.

6 BOARD MEMBER KUEHL: Oh, I see. Because I
7 was trying to put this together, if it goes together,
8 with what they're attempting to -- or will, I guess,
9 achieve in Imperial County in terms of closing the
10 Puente landfill and opening a new site in Imperial or
11 expanding a site.

12 So I see they talked about this in terms of
13 a need, then, for local materials recovery facility,
14 but they did use the word "local." So it is all local
15 stuff that's going here? I see a lot of nodding here.
16 Okay.

17 Not that I'd vote differently one way or the
18 other, but I'd kind of like to know what the intent is
19 in terms of the facility itself.

20 MR. SEIFERT: Madam, my name is Lars
21 Seifert. I'm with Imperial County LEA.

22 Just to quickly add a point to that, the
23 Mesquite Regional Landfill, one of the conditions in
24 their permit is actually -- well, they allow
25 basically -- they've designated 1,000 tons a day to

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1 come from local sources within Imperial County, but
2 part of the conditions of their permit is basically it
3 needs to be processed first, and so they can only take
4 residuals from processed waste.

5 And so basically right now this would be
6 probably the single largest facility that could
7 actually process material and serve as kind of a
8 conduit for local waste to get to the Mesquite
9 Regional Landfill should that need arise. So that's
10 kind of where the connection is.

11 BOARD MEMBER KUEHL: Right, I just kind of
12 wanted to understand if there was a connection to what
13 the result might be.

14 BOARD MEMBER BROWN: Actually, that was a
15 point you made that I was going to make before moving
16 the resolution is that Mesquite being a MRF facility
17 makes this a -- I can't talk -- extremely important
18 component to the County's ability to continue to meet
19 their recycling requirements and their infrastructure
20 needs too.

21 MR. SEIFERT: Yeah, to able to utilize that,
22 kind of reserve capacity at the Mesquite landfill,
23 so --

24 BOARD MEMBER KUEHL: Thank you very much. I
25 appreciate it.

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1 CHAIRPERSON MULÉ: Thank you, Lars, for that
2 detail.

3 Do we have a motion?

4 MR. De BIE: Madam Chair, just for the
5 record, to clarify, of the agenda item, page 3-3, we
6 have a list of the known jurisdictions that will be
7 sending waste to this facility. It's in the
8 "Background" section of page 3-3.

9 CHAIRPERSON MULÉ: Right up on the top of
10 the page, first paragraph.

11 MR. De BIE: Right.

12 BOARD MEMBER KUEHL: But it said "such as"
13 under the city. So, I don't know, you just sort of
14 want to know. And, especially, since in L.A.
15 County -- I'm the only one on the Board from the
16 southern part of the state, I think, or L.A., anyway,
17 so I like to try to understand the connection when I
18 go for all my tours of landfills and everything and
19 they say -- they mention a county, and I'd like to
20 know since I didn't go down there to find out. So I
21 appreciate the information. Thanks.

22 BOARD MEMBER BROWN: I move Resolution
23 2009-75.

24 BOARD MEMBER KUEHL: Second.

25 CHAIRPERSON MULÉ: It's moved by Member

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1 Brown, seconded by Member Kuehl.

2 We can substitute the previous roll, and we
3 will put this item on consent for the full Board next
4 week.

5 Thank you all. I appreciate it. And thank
6 you all for being here.

7 Thank you, Lars, for making the trip.

8 Next item, Agenda Item 4.

9 MR. RAUH: Yes, Chair Mulé, this item is
10 consideration of a new full Solid Waste Facility
11 Permit for composting activities at the E & J Gallo
12 Winery Composting Facility in Fresno County.

13 This facility has an excellent compliance
14 history, and staff has made the necessary findings and
15 recommends the Board concur in the issuance of the
16 proposed permit as submitted by the Local Enforcement
17 Agency.

18 And here to present the item -- now a
19 veteran -- is Patrick Snider.

20 Pat, take it away.

21 MR. SNIDER: Hello again, Madam Chair and
22 Committee and Board Members.

23 E & J Gallo Winery Composting Facility is
24 located in an unincorporated area of Fresno County.
25 E & J Gallo Winery is also the operator. The land is

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1 owned by E & J Gallo Winery.

2 The proposed Solid Waste Facilities Permit
3 allows for the following changes: Change from a
4 standardized permit to a full Compostible Materials
5 Handling Facilities Permit. The size of the
6 composting operation will decrease from 90 to 85
7 acres.

8 The Local Enforcement Agency has certified
9 that the application package is complete and correct
10 and that the report of composting site information
11 meets the requirements of the California Code of
12 Regulations. The Local Enforcement Agency has also
13 determined that the permit is consistent with and is
14 supported by existing California Environmental Quality
15 Act analysis.

16 Board staff have reviewed the proposed
17 permit and the supporting documentation and found them
18 to be acceptable.

19 In conclusion, the Board staff recommends
20 Option 1, that the Board adopt Resolution 2009-76 for
21 a Solid Waste Facilities Permit No. 10-AA-0182.

22 This concludes staff presentation.

23 Steve Crump of the Local Enforcement Agency,
24 E & J Gallo Winery, and their consultant Matt Cotton,
25 and myself are available to answer any questions that

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1 you might have.

2 CHAIRPERSON MULÉ: Thank you.

3 Question, Sheila?

4 BOARD MEMBER KUEHL: Just a technical
5 question; I don't quite understand the difference. On
6 page 3 of the agenda item, it says that they had a
7 standardized tier permit in '97, and then in 2002 they
8 got a standardized composting facility permit. Then
9 it says the proposed full Solid Waste Facility Permit
10 is required because the standardized tier permit for
11 compostible handling facilities was removed from
12 regulations.

13 So what's missing from the standardized
14 composting facility permit that is needed so that they
15 need a full Solid Waste Facilities Permit?

16 MR. De BIE: If I may. During the course of
17 amending and revising the regulations, we moved away
18 from offering the standardized tier, so it was
19 grandfathered out, so it's unavailable to continue.

20 The permits are required to be reviewed and
21 revised as necessary every five years. So this
22 facility through the grandfathering got to a point
23 where they needed their permit to be reviewed. There
24 isn't a standardized permit available to them anymore.
25 And, in fact, by action of the regulations, they were

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1 required to either get a notification level tier based
2 on types of waste or move up to a full permit. And so
3 that's what's occurring today is to have it
4 incorporated into a full permit tier.

5 BOARD MEMBER KUEHL: So what's the
6 difference between the permit they got in 2002 for
7 composting and what they do under that permit and what
8 they will do under this permit that needs a full waste
9 permit?

10 MR. De BIE: It needs it because it can't
11 stay under standardized because they're not there.

12 The difference is what Patrick's outlined
13 is -- well, basically, an acreage increase --
14 decrease, sorry. The clarification of the acreage is
15 what's occurring.

16 In a maybe little bit more -- in a
17 standardized permit, basically, the -- all of the
18 conditions are standardized, they're a template. And
19 a lot of the site-specific information is loaded up in
20 the application documents.

21 With a full permit, the LEA has the ability
22 to pull some or all of that information limits
23 restrictions into the permit and make it a condition
24 of the permit and, therefore, get a little bit more
25 enforceability through the permit action, not

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1 depending on either state minimum standards or the
2 application. Other than that, there isn't any
3 substantial changes occurring with this action.

4 BOARD MEMBER KUEHL: I appreciate it. I
5 didn't mean it as any kind of critique but really sort
6 of an educational opportunity for me.

7 MR. De BIE: Certainly. There is a long
8 history in terms of how these compost requirements
9 have evolved.

10 BOARD MEMBER KUEHL: Right, and I've been
11 just too busy making laws and not worrying about how
12 they're carried out, so now I'm really curious. Thank
13 you.

14 CHAIRPERSON MULÉ: Any other questions? Do
15 I have a motion?

16 BOARD MEMBER BROWN: Move Resolution
17 2009-76.

18 BOARD MEMBER KUEHL: Second.

19 CHAIRPERSON MULÉ: It's moved by Member
20 Brown, seconded by Member Kuehl. We can substitute
21 the previous roll and put this item on the agenda for
22 the full Board next week.

23 Thank you all.

24 MR. RAUH: Thank you, Chair Mulé.

25 Move ahead with Agenda Item 5, which is

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1 consideration of the Designation Approval and
2 Certification of the Trinity County Environmental
3 Health Division as the Local Enforcement Agency for
4 the County of Trinity.

5 At the present time the County of Trinity
6 receives these services from Shasta County, but those
7 services will cease as of the end of June.

8 Staff has evaluated the Trinity County's
9 submittal and recommends that the Board approve the
10 enforcement program plan, issue the requested
11 certifications, and approve the designation for the
12 jurisdiction.

13 CHAIRPERSON MULÉ: Virginia is here.

14 MR. RAUH: And here to present the item is
15 Virginia Rosales, who in disdain is sitting next to me
16 and is going to do it from behind so she can hit me if
17 I say anything unkind, I'm sure.

18 Please take it away.

19 MS. ROSALES: Thank you.

20 Good afternoon, Madam Chair and Committee
21 Members.

22 Shasta County has been providing the Local
23 Enforcement Agency, or LEA, services for Trinity
24 County since 1997 by way of personal services
25 agreement between the two counties. The agreement

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1 allows for termination by either party for any reason
2 on 30 days' written notice.

3 The termination of this agreement had been
4 in the works for well over a year. Effective
5 June 30th, 2009, Shasta County officially terminates
6 their agreement with Trinity County and will no longer
7 provide the LEA services.

8 Consequently, the Trinity County Board of
9 Supervisors as a local governing body has designated
10 Trinity County's Environmental Health Division of the
11 Building and Development Services Department to be the
12 enforcement agency for Trinity County.

13 The new designation by the local governing
14 body requires the approval of this Board. Upon Board
15 approval of the designation, the enforcement program
16 plan, and issuance of the certification, the
17 enforcement agency duties will be performed by the
18 newly certified Environmental Health Division
19 effective July 1, 2009.

20 To establish an LEA, the Board is required
21 to determine the approvability of the enforcement
22 agency's enforcement program plan. The enforcement
23 agency program plan must embody the designation and
24 certification requirements and demonstrate that the
25 LEA meets all the requirements for the requested

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1 certification.

2 The requested certification types are
3 Type A, permitting inspection and enforcement of
4 regulations at solid waste disposal sites; Type C,
5 permitting inspection and enforcement of regulations
6 at transfer and processing stations, material recovery
7 facilities, and composting facilities; and Type D,
8 inspection and enforcement of litter, odor, and
9 nuisance regulations at solid waste landfills.

10 As detailed on page 5 and 6 of the agenda
11 item, the Environmental Health Division has
12 demonstrated through the enforcement program plan that
13 they meet the following seven requirements:

14 One, technical experience; two, staff
15 resources; three, budget resources; four, staff
16 training; five, existence of at least one permitted
17 facility; six, no operational involvement in the site
18 it permits, inspects, or enforces; and, seven, the
19 Environmental Health Division as the designated
20 enforcement agency will become the sole LEA in the
21 jurisdiction of Trinity County upon board approval.

22 Board staff have reviewed the designation
23 information and the enforcement program plan and found
24 it to be acceptable for the Board's consideration.

25 Board staff concluded that all the

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1 requirements have been fulfilled and recommends the
2 Board adopt Resolution No. 2009-78, which approves the
3 designation and the EPP and certifies the
4 Environmental Health Division as the LEA for Types A,
5 C, and D as requested.

6 Peter Hedtke representing the Environmental
7 Health Division is present to answer any questions you
8 may have.

9 This concludes staff's presentation.

10 CHAIRPERSON MULÉ: Thank you, Virginia.

11 Do we have any questions for staff or for
12 the proposed LEA here today?

13 (No audible response.)

14 CHAIRPERSON MULÉ: No questions? Do I have
15 a motion?

16 BOARD MEMBER KUEHL: I move Resolution
17 2009-78.

18 BOARD MEMBER BROWN: Second.

19 CHAIRPERSON MULÉ: It's moved by Member
20 Kuehl, seconded by Member Brown. And we can
21 substitute the previous roll, and we can put this one
22 on consent too for next week.

23 MS. ROSALES: Thank you.

24 CHAIRPERSON MULÉ: Thank you.

25 Ted, onward.

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1 MR. RAUH: Thank you. Item 6. This item
2 requests that the Board approve five grants that will
3 result in the cleanup of 19 sites and in total will be
4 \$300,011 for the third and final cycle of the fiscal
5 year 2008/9 for the Farm and Ranch Solid Waste Cleanup
6 and Abatement Grant Program.

7 I'm pleased to see that the staff have
8 joined me, so I'm not alone on this one.

9 Here to present this item is Carla Repucci.
10 Carla, please.

11 MS. REPUCCI: Good afternoon, Chair Mulé and
12 Committee Members. My name is Carla Repucci, and I
13 will present Item G, for the consideration of five
14 applications for Farm and Ranch Solid Waste Cleanup
15 and Abatement Grants. The amount requested in these
16 applications is \$300,011 and represent the final award
17 of this fiscal year. There is currently \$674,357
18 remaining in the fund.

19 Six grant applications were received this
20 cycle from the resource conservation districts of
21 Monterey, Sierra, San Bonito, West Side, and Sutter
22 and Yolo counties. Each application was reviewed for
23 eligibility and scored, with five receiving passing
24 scores.

25 Of the five applications being recommended

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1 for approval today, one is for reimbursement of
2 previous expenditures for a property owner in Sierra
3 County.

4 Each applicant has planned prevention
5 measures for each site to help alleviate the
6 possibility of future dumping. The measures include
7 fencing, gates, signage, and/or increased
8 surveillance.

9 If the proposed grants are approved as
10 recommended, \$374,346 would remain in the fund for
11 this fiscal year.

12 Agenda Item G is for the consideration of
13 five grant applications for Farm and Ranch Solid Waste
14 Cleanup and Abatement Grants.

15 Each of the applications meets the
16 eligibility requirements set forth by the statute.
17 Therefore, staff recommends the Board adopt Resolution
18 2009-79, authorizing the award of up to \$300,011 for
19 the grant applications from the resource conservation
20 districts of Monterey, Sierra, San Bonito, and Sutter
21 and Yolo counties and directing staff to develop and
22 execute grant agreements.

23 This concludes my presentation. I would be
24 happy to answer any questions.

25 Ryan Bonea from the Sutter County Resource

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1 Conservation District is also here if you have any
2 specific questions for him.

3 CHAIRPERSON MULÉ: Thank you, Carla.

4 We do have a speaker slip for Ryan.

5 Ryan, did you want to get up and say a few
6 words?

7 MR. BONEA: Thank you, Madam Chair, Members
8 of the Committee. My name is Ryan Bonea. I'm the
9 executive director for the Sutter County Resource
10 Conservation District.

11 I just wanted to talk on two subjects: One
12 being the reimbursement of funds for cleanup projects
13 that have been done prior to an award of a contract.
14 But, firstly, before I speak on that note, I'd like to
15 talk about the million dollars that's available
16 through this program.

17 This is a fantastic program. It's
18 incredibly successful and popular and -- in Sutter
19 County. We have a lot of orchards along the Feather
20 River. And because of that, we kind of have a plague
21 of dumping -- illegal dumping in our county. And the
22 reason being is because in orchards you don't have the
23 same kind of line of sight that you do, say, in an
24 alfalfa field or something like that, and so you don't
25 have as much dumping on these row crops. And we have

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1 a lot -- we have a lot of dumping out in these
2 orchards.

3 The reason why I bring this up is because I
4 think you could fully expend the million dollars, to
5 be quite honest. But I think there needs to be some
6 adjustments on how the money is awarded. And I think
7 the cap of \$200,000 per entity per county limits our
8 ability to continue work. We certainly have more than
9 \$200,000 a year of projects to do in Sutter County.

10 On the flip side of that, resource
11 conservation districts are -- we're fantastic
12 government entities, and I encourage you to read
13 Division 9 of the Resources Code, which is where we
14 derive our powers and authorities. But we were
15 actually able to do work outside of our county
16 boundaries, and so we can contract with other
17 counties, other entities to do work outside of Sutter
18 County, for instance. There's a lot of projects in
19 Yuba County that we would like to do work in and --
20 however, because of the limitation of 200,000 per
21 entity, per county, we are unable to do that.

22 So, certainly, I would encourage you to
23 consider -- if it's within your ability to change that
24 cap, please do so.

25 And -- however, you know, I think in five

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1 years' time you're going to have a lot of popularity,
2 it's going to become pretty competitive to get this
3 grant fund. So thank you for this.

4 We've done about three projects, completed
5 two. We've got two in the running right now, and of
6 course this one today. And I thank you for that.

7 On the second note, reimbursing funds for
8 landowners, it's very important. You know, we have
9 people -- these are operational farms. And so timing
10 is critical when folks are going out there and
11 harvesting and preparing for their crop and whatnot
12 and oftentimes cannot wait until, you know, the "slow
13 wheel" of government moves and we get these contracts
14 in place and actually start working on these projects.

15 So I understand that there was some concern
16 from the committee about reimbursing for these costs
17 prior -- or costs incurred prior to a contract award,
18 and I would encourage you to please continue to do so.
19 It certainly helps us get the money on the ground and
20 to have some successful projects. Thank you.

21 CHAIRPERSON MULÉ: Thank you, Ryan.

22 Question for Staff, that \$200,000 per
23 item -- or per cleanup limit, that limit is set in
24 statute?

25 MS. REPUCCI: That's correct.

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1 CHAIRPERSON MULÉ: So then we would need to
2 change statute in order to increase that limit.

3 So I just wanted to bring that to your
4 attention, Ryan, that there are certain things that
5 are within our purview of our authority and then there
6 are other things that are not.

7 But as you heard us at the beginning of this
8 meeting, we directed Staff to look at our criteria and
9 look at how we can replicate projects similar to the
10 pilot we conducted in Imperial County.

11 Any other questions for staff?

12 (No audible response.)

13 CHAIRPERSON MULÉ: No? Okay. Do I have a
14 motion?

15 BOARD MEMBER BROWN: Move Resolution
16 2009-79.

17 BOARD MEMBER KUEHL: Second.

18 CHAIRPERSON MULÉ: It's moved by Member
19 Brown and seconded by Member Kuehl.

20 Since this is a fiscal item, Donnell, would
21 you please call the roll.

22 EXECUTIVE ASSISTANT DUCLO: Brown?

23 BOARD MEMBER BROWN: Aye.

24 EXECUTIVE ASSISTANT DUCLO: Kuehl?

25 BOARD MEMBER KUEHL: Aye.

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1 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

2 CHAIRPERSON MULÉ: Aye.

3 And that will go on fiscal consent for the
4 full board next week. Thank you.

5 Our next item is Board Agenda Item 7, and I
6 do want to note at this point that Board Agenda
7 Item 8, Committee Item I, will be heard at the full
8 Board, and Committee Item J, Board Agenda Item 9, was
9 pulled.

10 So with that, let's go to item 7, Ted.

11 MR. RAUH: Chair Mulé, I believe this item
12 we also were suggesting be moved to the full Board
13 because --

14 CHAIRPERSON MULÉ: Yeah, yeah, that's right.
15 So this is our final item, then.

16 MR. RAUH: The last one was the final item.

17 CHAIRPERSON MULÉ: So we're done.

18 Are there any comments from the public?

19 (No audible response.)

20 CHAIRPERSON MULÉ: We will move this item to
21 the full Board, and this meeting is adjourned. Thank
22 you.

23 (Whereupon the Permitting and
24 Compliance Committee adjourned at
25 2:29 p.m.)

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REPORTER'S CERTIFICATE

I, HE SUK JONG, a Certified Shorthand
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I further certify that I am not of counsel
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IN WITNESS WHEREOF, I have hereunto set my
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HE SUK JONG, CSR NO. 12918
Certified Shorthand Reporter